

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

VERONICA BYRD

Plaintiff,

v.

WALMART INC.

Defendant.

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CIVIL ACTION

FILE NO. \_\_\_\_\_

**NOTICE OF REMOVAL**

Defendant petitions for removal of the action herein from the State Court of Chatham County to the United States District Court for the Southern District of Georgia, Savannah Division and respectfully shows the Court the following:

1. Plaintiff filed the above-styled civil action in the Superior Court of Chatham County, Civil Action File No. SPCV22-00500 on April 29, 2022. Attached as Exhibit “A” are copies of all process, pleadings, and orders filed in that action known to Defendant.
2. Plaintiff’s Complaint alleges that she was injured in a slip and fall accident at the Walmart store located at 6000 Ogeechee Road, Savannah, Georgia. (Exhibit “A”, Plaintiff’s Complaint, ¶4).
3. Plaintiff filed suit in Chatham County, Georgia, based on the fact that the incident occurred in Chatham County, Georgia. (Exhibit “A”, Plaintiff’s Complaint, ¶3).
4. As discussed in greater detail below, Defendant removes this case as this Court has diversity jurisdiction over this action under 28 U.S.C. § 1332, which requires (a) complete diversity of citizenship between the parties and (b) an amount in controversy exceeding \$75,000.
5. The parties are citizens of different states. Based on reasonable inquiry and Plaintiff’s allegations, Plaintiff is a Florida citizen. (See Exhibit “A” Complaint, ¶1.) Defendant

Walmart Inc. is a corporation formed under the laws of the State of Delaware with their principal places of business located in Arkansas. (See Exhibit “B”: Certificate of Authority to Transact Business of Walmart Inc.). Consequently, complete diversity of citizenship exists between the parties. *See* 28 U.S.C. § 1332(a)(1).

6. Plaintiff made a pre-suit demand in the amount of \$1,000,000.00 which included an itemization of her medical bills in the amount of \$56,502.49. (Exhibit “C”). The demand additionally stated that based upon “the medical and lost wage damages incurred by our client, as well as the extreme pain and suffering which our client has been forced to endure.” The Court is authorized to consider the information contained in this document as an “other paper” for purposes of determining jurisdiction. *Helmly v. Kmart Corporation*, 2016 WL 5419435 (USDC for the SD of GA, Statesboro Division).

7. Consequently, this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1332 (a), 1441, and 1446 because (a) complete diversity exists between the parties to this action and (b) the amount in controversy is in excess of \$75,000.00.

8. By service of a copy of this Notice of Removal as evidenced by the Certificate of Service attached, Defendant gives notice of such removal to Plaintiff as required by 28 U.S.C. § 1446.

9. A true and correct copy of this Notice of Removal will be filed with the Clerk of Superior Court of Chatham County, Georgia as required by 28 U.S.C. §1446(d). (Exhibit “D”).

**Wherefore**, Defendant prays that the above-styled lawsuit be removed to the United States District Court for the Southern District of Georgia, Savannah Division, that this Court take cognizance and jurisdiction over this claim from the Superior Court of Chatham County,

Georgia, and that this action shall proceed as removed and under this Court's jurisdiction under 28 U.S.C. § 1332.

Respectfully submitted, this 9th day of June, 2022.

**DREW, ECKL & FARNHAM, LLP**

/s/ Leslie P. Becknell

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